CHARGES

The prosecution charges Jes Markson with First Degree Murder (California Penal Code §§ 187 and 189)

PHYSICAL EVIDENCE

Only the following physical evidence may be introduced at trial. The prosecution is responsible for bringing:

1) A faithful reproduction of Exhibit A, a diagram of Jes Markson's Mansion Floor Plan, 2349 Chandler Drive, Hollywood Hills.
2) A faithful reproduction of Exhibit B, Page 42 of the Script Murder by Monoxide.
3) A faithful reproduction of Exhibit C, Sword and Scabbard.
4) A faithful reproduction of Exhibit D, Diagram of Taylor Rodriguez's Head Injury.

The reproductions should be no larger than 22 inches x 28 inches.

STIPULATIONS

Stipulations shall be considered part of the record. Prosecution and defense stipulate to the following:

1. Taylor Rodriguez died from carbon-monoxide poisoning.
2. Brook and Jes must be of the same sex and the victim (Taylor) must be the opposite sex.
3. If the defense's pretrial motion is granted, the bracketed information is excluded from trial, and it may not be used for impeachment purposes.
4. For the purposes of the Mock Trial and pretrial argument, Exhibit B is the only relevant page of the script, and the absence of the remainder of the script cannot be objected to. The handwriting on the script belongs to Jes Markson.
5. Exhibit A is the floor plan of Jes Markson's mansion; Exhibit C is a representation of the sword and scabbard found in Jes' mansion; and Exhibit D is a diagram of the Taylor Rodriguez's head injury.
6. The search of the mansion and garage was a valid search and may not be objected to.
7. The arrest warrant was based on sufficient probable cause and properly issued.
8. All statements of the victim fall within the "state of mind" exception to the hearsay rule.
9. Dr. Choi and Dr. Stone are qualified expert witnesses and can testify to each other's statements.
10. Dr. Choi properly reviewed the lab report, and its absence may not be questioned.
11. Taylor's Blood Alcohol Content (BAC) at time of death has been established as .15% and cannot be disputed.
12. All physical evidence and witnesses not provided for in the case packet are unavailable and their availability may not be questioned.
13. All witness statements were taken in a timely manner

WITNESS STATEMENTS—Prosecution Witness: Alex Palmer

My name is Alex Palmer, and I am 44 years old. I have known Jes for a long time, and I consider us good friends. I worked for Jes as a stunt-person on the show *The Sparkling Badge* until the show was cancelled in the early 1990s. After the show was cancelled, I became a little unhinged. One day I lost my cool in a supermarket and assaulted a cashier. I served three months in jail. While in jail, I met some shady characters.

After I got out of jail, I could not find work anywhere. Jes gave me a job working at Jes' estate. The estate is large, and I had lots of gardening and odd jobs to do. I live in the pool house. While it is not spacious, it is large enough for one person. Attached to the pool house is a storage room that was designed to store pool supplies. There is a door going from my place to the storage room, but it has always been locked. Jes stores a lot of Hollywood memorabilia in there. Sometimes, I move stuff from the house into the storage room for Jes. I also go in the storage room to get chlorine for the pool. The exterior door is usually locked, and I need to get a key from Jes.

Jes has always been short-tempered. On the set of *The Sparkling Badge*, Jes would sometimes blow up at cast members if they did not know their lines or were not true to the script. Jes liked production to go a certain way. When it did not go as planned, there was always lots of yelling. I think Jes was concerned about public perception and what people thought. Jes' dignity would have been hurt by being associated with failure. I never mentioned in Jes' presence any failed show that Jes produced.

Taylor and Jes were married sometime in November of last year. I was in the wedding, but Taylor and I never became close. Taylor and Jes got along well at first, but things fell apart after a while. Jes can be very insecure. When Taylor became famous, all the tabloids and gossip TV shows would come around the mansion. That drove Jes crazy. Jes also hated all the attention Taylor was getting from other producers, who could offer bigger and better deals.

Sometime in July, Jes asked me about my time in jail. This was not that unusual as we talked about these kinds of things often, but then Jes said something strange. Jes asked me, "How much would you say it costs to have someone killed? Like by a hit-man." It was an odd question so it stuck in my mind. I told Jes that I did not know, but I could ask some friends who might have some information. Jes said, "I would appreciate that, but don't go to too much trouble for me."

The next couple days, I tried to think of someone who I had met in jail who would know about hit men. I could not think of anyone who would have that kind of information. Most contract killers end up in prison, not jail. I never got back to Jes, and the issue was never brought up again. Jes and Taylor's relationship got more hostile as summer ended. I remember during one fight in September, Jes screamed something like, "If you betray me and the show, I'll be ridiculed. And your career will be ruined. I'll see to that." The morning of October 11, the day before Brook's party, I heard Jess yell at Taylor. It was something like, "You think you'll be happy with Brook? I'd kill both of you before I'd let that happen. You have no idea of the power I have. Don't underestimate me."

Detective Green interviewed Jes and Alex. Jes claimed not to have seen Taylor since 10 p.m. the night before. Jes claimed to have gone to bed by 12:30 a.m., shortly after the guests had left the mansion. Jes consented to a search of the mansion and the garage. Detective Green found a black ceremonial sword in Jes' living room. The decorative sword was in a scabbard made of hardwood. Later, Alex allowed Detective Green to search the pool house.

[Detective Green searched a storage room next to the pool house. The storage room contained mostly Hollywood memorabilia. There was a stack of scripts. The detective found a TV movie script titled *Murder by Monoxide,* which listed Jes as producer. In the story, the lead character is killed by carbon-monoxide poisoning.]

Based on the information Detective Green collected from interviews with Alex, Jes, Tobie, Stevie, and Brook and the evidence found at the scene, Jes was arrested and charged with first- degree murder.

In this case, the Fourth Amendment issue concerns who can give consent and the scope of consent once it has been given. If valid consent has been given to search the storage room, then the search is constitutional. If the search was outside the scope of consent, then the warrantless search was unconstitutional.

The sources cited below will help you determine if Detective Green's search of the storage room is unconstitutional. For trials in which there is no pretrial hearing, the search of the storage room is Constitutional, and all bracketed information can be used during the trial. This pretrial motion is the only allowable motion for the purposes of the competition.

Arguments

The prosecution asserts that the search was reasonable because both Alex and Jes consented to a search of the storage room. The prosecution contends that Jes consented to a search of the entire estate, which included the storage room. Even if Jes did not consent to a search of the storage room, the prosecution argues that Detective Green could have relied on Alex's consent.

The defense claims the search was unreasonable. The defense argues that Jes did not consent to a search of the storage room and that Alex could not have given consent for this room. While the defense admits that Jes consented to a search of the house and garage, the defense asserts that the scope of the consent did not encompass the storage room.

Sources

The sources for the pretrial motion arguments consist of excerpts from the U.S. Constitution, California Penal Code, California Vehicle Code, California Jury Instructions, edited court opinions, and the Mock Trial Fact Situation.

The U.S. Constitution protects individuals against unreasonable searches and seizures. Over the last 200 years, the Supreme Court and lower courts have interpreted exactly what is "unreasonable." Decisions from the U.S. Supreme Court, the California Supreme Court, and the California Court of Appeals are binding on California trial courts and must be followed.

Cases from all circuits, including the Ninth Circuit, and cases from federal district courts and from other state supreme courts, as well as legal commentary, can be used for persuasive purposes, but are not binding on a California judge. In developing arguments for this Mock Trial, both sides should compare or distinguish the facts in the cited cases from one another and from the facts in *People v. Markson*.

Legal Authorities

Constitutional

U.S. Constitution, Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The bruise was also consistent with a blow from a left-handed individual. The bruise began on the upper right of Taylor's forehead and moved down and to the left. While it would be possible for a right-handed person to inflict the bruise, it is more likely that the perpetrator was left- handed.

It is my understanding that Jes is left-handed. Only 13 percent of the population is left-handed. Also, the angle of the bruise ran at a diagonal angle of about 40 degrees. A strike from a scabbard would be expected to come at about that angle.

There was another interesting thing about the sword. It had absolutely no fingerprints on it. This is highly suspicious for any item in a house, let alone an item like a sword, which people would want to touch and handle. In contrast, the Aston Martin key had partial prints of both Jes and Taylor. The sword handle was made of carved wood and would have most likely picked up fingerprints. It was likely thoroughly wiped down before the police inspected it.

I do not believe that Taylor committed suicide. Only a very small percentage of depressed people commit suicide. When they do, they usually exhibit certain behavior. Many people who attempt suicide put their lives in order. They write wills, make amends with old enemies, and say goodbye to friends. Taylor did none of these. On the contrary, Taylor made plans to leave Jes. People who commit suicide do not usually say they will do things that they will not be around to do. Moreover, Taylor's acting career was soaring, and shooting was about to start on a project that Taylor was excited about.

CALIFORNIA MOCK TRIAL FACT SITUTATION

Taylor Rodriguez is the star of the new hit television show *Newport Beach*. The show is about to start shooting its second season. Before the show, Taylor was one of many unknown good- looking people in Los Angeles seeking acting jobs. The show launched Taylor's career, and Taylor is now a well-known celebrity. *Newport Beach* is produced by Jes Markson, the creator of many hit TV shows. Jes met Taylor in a coffee shop and cast Taylor for the lead role on the spot.

Jes and Taylor also quickly developed a romantic relationship and were married within a few months of meeting each other. Taylor moved into Jes' mansion at 2349 Chandler Drive, in the Hollywood Hills. Jes' estate is kept presentable by a friend and live-in gardener named Alex Palmer.

While the relationship between Taylor and Jes started out wonderful and loving, it became strained. Due to all the publicity generated by *Newport Beach*, Taylor received many movie offers. Taylor's dream had always been to appear on the big screen. Taylor tentatively accepted a role in *Blood Froth*, a horror movie. Taylor's publicist leaked to the media that Taylor would not be back for the second season of *Newport Beach*. Jes disapproved, and then they started to spend most of their time apart and slept in different rooms. As the marriage neared one year, it looked like it would be over soon.

Prior to marrying Jes, Taylor had dated Brook. After moving out to Los Angeles together from Colorado, they had broken up. Through summer and early fall, Taylor began to have thoughts of resuming a relationship with Brook.

On Friday, October 12, Taylor was invited to a small party to celebrate Brook's getting a recurring role on a soap opera. Jes did not want Taylor to go. Tobie, a close friend and costar on *Newport Beach*, arrived to pick up Taylor for the party. Taylor insisted on going, and Jes became upset.

Jes remained at home and invited Alex and Stevie to the house. Stevie is an assistant producer on *Newport Beach* and an old friend of Jes. They came over, played pool in Jes' game room, and drank beer. At midnight, Alex and Stevie left.

At Brook's party, Taylor was visibly upset. Taylor spent most of the evening drinking vodka martinis. Taylor even broke from a strict diet by eating chocolate-covered strawberries at 12:30 a.m. Taylor was not having fun and wanted to leave the party. At 1:15 a.m., Tobie dropped off Taylor at Jes' mansion.

The next afternoon, Taylor was found dead in the garage from carbon-monoxide poisoning. Taylor was in the cherry-red 1963 Aston Martin X5 convertible that Jes had bought for Taylor's birthday. The car had its original engine, but had a recently refurbished lamb-skin interior. The custom steering wheel was made of smooth stainless steel. The key was in the ignition in the "on" position and the gas gauge was on empty.

The police were contacted and Detective Green arrived to conduct an investigation. Upon inspecting the body, Green noticed a dark bruise running diagonally across the center of Taylor's forehead. The bruise was rectangular in shape, about 1 inch wide by 1.5 inches long, and ran from above Taylor's right eyebrow down toward the left eye.

I also tested Taylor's blood to determine the blood alcohol content (BAC). The blood had .15 percent by weight of alcohol in the blood based on grams of alcohol per 100 milliliters of blood, which means that Taylor was in an intoxicated state at the time of death.

Taylor Rodriguez died from carbon-monoxide poisoning. I analyzed Taylor's blood and found that it contained a carboxyhemoglobin saturation level of 80 percent. This is a lethal amount. When carbon monoxide is inhaled, it combines with the hemoglobin to form carboxyhemoglobin, which displaces the oxygen the body needs to survive.

This is consistent with the circumstances in which the body was found. Taylor's skin was a cherry-pink color at the time of death, which is typical of carbon-monoxide deaths. Also, the fact that Taylor was found in a vehicle enclosed in a garage points to death by carbon-monoxide poisoning.

The Aston Martin X5 was an old car, and its six-cylinder twin-overhead-camshaft engine burns fuel inefficiently. It would have produced high amounts of toxic carbon monoxide especially when first turned on. The garage was also quite small, only 12 ft. by 20 ft. with a height of 10 ft. It would have filled to a lethal level quickly. I estimate that Taylor died within 15 to 20 minutes after the engine was started.

Taylor had a large discrete bruise on the center forehead. It was 1 inch wide by 1.5 inches long. Some people bruise more easily than others. A bruise of such a dark color, however, could only have been inflicted by a blow of great force. The bruise was located on the forehead. A blow landing in that spot with such force could have rendered Taylor unconscious.

Many bruises are splotchy and do not reveal much about their cause. Taylor's bruise, however, is distinctive and provides ample evidence of how it was inflicted. Running through the middle of the bruise was a narrow unbruised strip. This type of bruise is called a "tramline" bruise because it is caused by a blow from a rod-like instrument. The instrument squeezes blood from the vessels at the point of impact, thus emptying them and preventing them from changing color. The edges of the wound are stretched, and blood vessels are torn, causing blood to leak into the surrounding tissues and bruise. The unbruised tramline was exactly one-fourth of an inch wide.

Detective Green gave me the sword found in Jes Markson's house. The sword (including the scabbard) weighed three pounds. The scabbard was 3 ft. long and 1.25 inches wide. The scabbard had a depth of one-half inch, which tapered to two convex edges of exactly 19/80ths of an inch. When a person strikes another with a sword, the convex edge is usually the part that makes contact. This would likely be true if a person hit another with the scabbard.

The width of the convex edge of the scabbard and the width of the tramline are practically identical. There is less than 1/80th of an inch difference in width between the two. This small difference can be attributed to the indeterminateness associated with the outlines of all bruises. I believe that the bruise on Taylor's forehead was most likely caused by the scabbard in Jes' house.

I also analyzed the pool cues in the house and determined that a pool cue could not have inflicted the bruise. The pool stick could not have withstood the impact upon Taylor's forehead and would have broken. Also, a pool stick would have caused the dimensions of the bruise to be larger.

PRETRIAL MOTION

The following procedures and recommendations provide a format for the presentation of a mock pretrial motion.

1. Ask your coordinator if your county will present pretrial arguments before every trial of each round. We urge coordinators to require a pretrial motion hearing in as many rounds as possible, both for its academic benefits and to prepare the winning team for state finals, where it will be a required part of the competition. Performances will be scored according to the criteria included in this packet.

2. Prior to the opening of the pretrial motion arguments, the judge will have read the pretrial materials provided in the case packet.

3. Be as organized as possible in your presentation. Provide clear arguments so the judge can follow and understand your line of reasoning.

4. Arguments should be well substantiated with references to any of the pretrial sources provided with the case materials and any common sense or social-interest judgments. Do not be afraid to use strong and persuasive language.

5. Use the facts of *People v. Markson* in your argument. Compare them to facts of cases in the pretrial materials that support your position, or distinguish the facts from cases that contradict the conclusion you desire.

6. Review the legal arguments to assist you in formulating your own arguments.

7. Your conclusion should be a short restatement of your strongest arguments.

8. NOTE: The only motion allowed for the purposes of the competition is the pretrial motion outlined in this case packet.

Pretrial Motion and Constitutional Issue

This section contains materials and procedures for the preparation of a pretrial motion on an important legal issue. The **judge's ruling** on the pretrial motion will have a **direct bearing** on the charges in this trial and the possible outcome of the trial. The pretrial motion is designed to help students learn about the legal process and legal reasoning. Students will learn how to draw analogies, distinguish a variety of factual situations, and analyze and debate constitutional issues.

The pretrial issue involves the Fourth Amendment protection against unreasonable searches and seizures. There is a question of whether Detective Green's search of the storage room adjacent to Alex's pool house was constitutional. If the search was unconstitutional, the *An End to Passion* script cannot be used at trial. The script and the search of the storage room are the only Fourth Amendment issues in the case.

The Fourth Amendment protects individuals, their cars, and their homes from unreasonable police searches. Many police searches, however, are legal. For example, if a police officer has obtained a valid warrant, he or she is allowed to make a search within the bounds of that warrant.

WITNESS STATEMENTS—Prosecution Witness: Dr. Frances Stone

My name is Dr. Frances Stone. I am 56 years old. I have an M.D. from Stanford University and have been involved with forensic science for the last 15 years. Two years ago, I published a book titled *The Forensic Fieldguide: Basic Crime Scene Protocol.* I have also published numerous articles on the subject of forensic science. Last year, I attended a two-week seminar on the forensic analysis of bruises and burns. Currently, I work for the state of California in the Crime Science Lab as a lab manager.

I was called to the scene of the crime to examine Taylor Rodriguez's body on October 13. I examined the body at the crime site and conducted a more extensive autopsy back at the government lab. I wrote my conclusions in a report that was made available to the defense.

It is my opinion that Taylor died sometime between 1:45 and 2:15 a.m. on October 13. I used two well-accepted scientific methods to come to this conclusion.

First, I took the temperature of Taylor's body at the crime scene. I made a slight incision in the small of Taylor's back and inserted a thermometer into the liver. Taylor's temperature at 2:04 p.m. on the 13th was 80.6 degrees Fahrenheit. A normal human body temperature is 98.6 degrees, and a dead body loses heat at a rate of about 1.5 degrees Fahrenheit per hour. Since Taylor's body temperature had fallen 18 degrees, the time of death could be placed at most 12 hours earlier. I told Detective Green of my preliminary conclusions as to time of death.

A number of outside factors can influence the body-temperature method. I believe, however, that these factors had little or no effect on the cooling of the body. One factor is the ambient temperature. If the outside weather is very cold, a body will become colder more quickly than normal. On the other hand, if the outside weather is very hot, the body will become colder at a slower rate. The Los Angeles temperature on the 13th was a constant 63 degrees Fahrenheit. The disparity between Taylor's original 98.6 degree body temperature and the 63 degree ambient temperature made the body lose heat at a constant rate over the 12 hours. I am convinced that the 1.5 degrees Fahrenheit per hour rate is an accurate reflection of the rate at which Taylor's body lost heat.

I also noticed that Taylor's body was quite stiff. Rigor mortis, or a hardening of the skeletal muscles, had begun. While not a precise method of determining the time of death, a stiff body is consistent with a time of death of between 4 and 30 hours earlier.

I did a second test, which confirmed the results of the body-temperature test. By taking a cross section of the human eye, one can determine the time of death. I removed part of Taylor's vitreous humor, a transparent jelly in the eye. A living vitreous humor contains little or no potassium, but with death, potassium accumulates at a known rate. The amount of potassium in Taylor's eye confirmed that the time of death was between 1:30 and 2 a.m. I believe this is the most accurate method of measuring the time of death. Also, there was no ethanol in the vitreous humor.

Other methods of determining the time of death, such as tracking digestion, are overly prone to individual variation based on stress, alcohol consumption, etc. Given this litany of factors, I believe that Taylor's stomach contents can reveal nothing about the time of death.

On Friday, October 12, I spent the evening in Silverlake eating dinner and watching a movie. When I returned to the mansion around 10:15 p.m., Jes invited me into the house to have a drink. Stevie arrived shortly after that. We played pool, drank beer, and chatted. Jes was pretty angry and swore a lot. Jes called Taylor "ungrateful." The more beer that was consumed, the more angry Jes became. Shortly before midnight, Jes said, "Taylor is going to get what's coming to someone who betrays me." I decided to go back to the pool house and excused myself. Jes was not fun to be around that night. When I left, Jes' lip looked normal.

Before going to bed, I watched some TV. The Science channel was having a marathon of *Detroit Doctors* reruns, and I loved that show before it was cancelled. At 1:15 a.m., I heard yelling coming from the house. I know this was the exact time because the angry voices came right after the second commercial break. At first, I thought the noise was coming from the TV as the infamous arm-severing episode of *Detroit Doctors* was on. When I realized the noise was coming from outside, I put the TV on mute and listened to the commotion. My bedroom window was open, but it was a windy night, so I could not make out exactly what was said. I also couldn't see any lights on in the mansion. I believe I heard Jes and Taylor's voices. They both sounded angry. The argument ended relatively quickly, and I resumed watching TV. I figured Taylor and Jes were done fighting and had gone to bed. I fell asleep around 2 a.m.

At 12:30 p.m. the next afternoon, I needed to change the water in the koi pond. I opened the front garage door, where the car enters, because I needed to get the hose. This was typical on the second Saturday of the month. Jes' koi are sensitive and develop eye infections if they do not have their water replaced each month. When I entered the garage, I saw Taylor slumped over in the driver's seat of the silver Aston Martin. At first I thought Taylor was sleeping, but as I got closer I realized Taylor was dead. Taylor's skin was bright pink. I immediately called 911.

I ran inside and found Jes in the kitchen reading the paper. I said, "Taylor is dead in the garage." Jes looked shocked and said, "What?" Jes looked at the body, and then we went outside the house and waited for someone to come. Detective Green arrived within minutes.

Detective Green interviewed me because I found the body. I told the detective that I was a friend of Jes who lived on the property and did maintenance work. We discussed what happened the night before, and I told Detective Green about Jes' statements and the screams that I had heard. I also told the detective that I was right-handed. Green then interviewed Jes.

Later, Jes and I were in the kitchen making funeral arrangements and calling Taylor's friends. [Detective Green asked for my permission to look inside the pool house. I said, "It's fine to search my place, but I have not got a key for the storage room. You'll need to get that from Jes." Jes was talking to the funeral director and probably did not hear what I said.]

Later, at about 12:30 p.m. that Saturday, Alex was reading the newspaper. Alex said that Taylor was dead in the garage. I was shocked that Taylor had committed suicide. Had I known the depression had risen to suicidal levels, I would have made sure that Taylor had sought psychiatric help. It also hurt me to learn that Taylor did not talk with me in the hours before the suicide.

I ran to the garage and saw that Taylor was dead. Alex had called 911, and we went side to wait for somebody. Within a few minutes, Detective Green arrived. Detective Green interviewed Alex while I called Taylor's family. After interviewing Alex, Detective Green interviewed me. I told about how Taylor and I had been living together for almost a year and that we were married. I told Green that we had fought the night before and how we had fought in the past. I told Green that Taylor had gone to a party with Tobie and that was the last time I saw Taylor alive. I also told Detective Green about how I spent the evening with Alex and Stevie before going to bed around 12:30 a.m. Green asked what happened when Taylor was not around that morning. I answered that I assumed Taylor had spent the night at Tobie's house. I also explained how I fell in the bathroom that morning.

[The detective asked to search the property. I told Detective Green, "You can search the house and the garage." I even pointed to both of them so the detective would know which buildings I was talking about. I never said it was OK to search the storage room next to the pool house. I store things that have a lot of sentimental value to me and would not want anyone rummaging around in there.]

I was in the kitchen calling the funeral director when Detective Green was searching the house. The detective put my sword in a plastic bag. It was a prop from the set of a reality TV show I produced last fall. I believe the sword was from Indonesia. The show was a martial-arts competition with all different styles of fighting, Kung Fu, Karate, Tae Kwon Do, etc. It was called *Masters of the Do-Jo*. I took the sword after we were done shooting and kept it on my living room mantle as a decorative item. The detective asked if I was left-handed. I said, "Yes." I don't know why the sword did not have any fingerprints on it. I have a maid that cleans my house once a week and is very thorough.

[The detective should have known that the storage room was not part of Alex's residence. Alex sometimes goes in the room, but only upon my request. I keep a lot of pictures of myself in the room, and there is even a chair with my name on it in there. It should have been obvious that the storage room was mine.

I helped develop the script, *Murder by Monoxide*, about five years ago. I develop scripts all the time. The *Monoxide* script was not that great and nothing ever came of it. In my storage room by the pool, I have a whole file cabinet filled with scripts. The handwriting on the script is mine.] As for asking Alex about hit-men, I was doing research for a possible cop drama.

ried to someone who was so hostile. Despite my warning to Taylor, they continued to live together. I think Taylor was dependent on Jes and needed time to break away.

Around 9:30 p.m. on October 12, I arrived at Jes' house to pick up Taylor. We were going to a party at Brook's downtown Hollywood apartment. As soon as I arrived, Jes started yelling at Taylor. Jes yelled that Taylor "knew nothing about Hollywood" and had got "a big head from being famous." Jes also said, "You think Brook is better than me?" In all the times I had seen Jes upset, I had never seen this much aggression. Then Jes started saying some very scary things. Jes screamed, "You can't go to that party tonight and see Brook. You're mine!" Taylor tried to reassure Jes, but it was no use. Then Jes said something I'll never forget. Jes gave Taylor a crazed looked and said, "If you leave me, I'll kill you." Jes stormed off, and I persuaded Taylor that we should leave. It was about 10 p.m.

At the party, Taylor and I saw that Brook had a date. Taylor drank heavily, consuming many vodka martinis. I think Taylor started drinking at 11 p.m. Taylor also ate three large chocolate- covered strawberries at 12:30 a.m. that night, which was uncharacteristic. Taylor was on a strict diet because Taylor was going to play an emaciated runaway in *Blood Froth*. Taylor was understandably distressed throughout the party, and I tried to be comforting.

Taylor was drunk and not having fun at the party, so we decided to leave. Taylor wanted to be dropped off at Jes' house. I strongly advised against this, given that Taylor was emotional and Jes was irrational. I recommended that Taylor stay at my place that night. Taylor said, "It should be fine. I have a lot to think about. Jes has probably cooled off by now. Tomorrow, I am going to end our relationship, and I want to pack up tonight." I reluctantly agreed to drop off Taylor at Jes' house. It was not very out of the way as I also live in the Hollywood Hills. At 1:15 a.m., I dropped off Taylor on the front porch and drove off without seeing Taylor go in. I can't remember if any lights were on in the house.

The next afternoon, I got a call from Alex telling me that Taylor was dead. It was devastating to hear, and I felt guilty for not having taken Taylor home with me. A few minutes later, Detective Green called, and I told Detective Green that I dropped off Taylor at 1:15 that morning.

———

WITNESS STATEMENTS—Prosecution Witness: Tobie Keetan

My name is Tobie Keetan. I am 30 years old, and I have been acting on TV shows for the past five years. I had been friends with Taylor for over a year before the death occurred. On *Newport Beach*, I played Taylor's character's older sibling. We got along immediately, and I helped Taylor adjust to life in the spotlight.

I learned a lot about Jes and Taylor's relationship. It was passionate and intense. Even in the beginning when things were good, they still had a lot of issues. After they were married for a short while, their relationship started to deteriorate. I remember one time Taylor said, "Maybe we got married too fast. Jes can get moody. There is also this annoying gardener that Jes keeps around. It's really weird."

Jes became increasingly hostile toward Taylor. Jes has a fiery temper and is notorious for yelling on the sets of TV shows. That is probably why these days Jes mostly produces instead of directing. Jes was extremely jealous and would get upset even when Taylor talked with other people. When Taylor and I would go out to parties and get attention, Jes would get mad.

A few things happened in the early fall that made their marriage even more chaotic and hostile. Taylor decided to leave *Newport Beach* to act in a horror movie called *Blood Froth*. Jes was furious. I went over to the mansion shortly after the news was leaked. Jes was sulking and snapped at me, "Are you abandoning the show too?" Jes was obviously jealous of Taylor's soaring career. Even though the show would not be the same without Taylor and lots of shows lose fans when the star leaves, Jes should have been happy for Taylor.

Second, Taylor told me about possibly getting back together with an ex, Brook. They had both moved out together from Denver to act. When they got here, they decided to take a break from each other, and then Taylor became famous. Taylor had trouble adjusting to fame and often felt alone and isolated. I met Brook and Taylor for lunch one time. They got along well, and it seemed like they would inevitably get back together if Taylor divorced Jes. When Taylor and I would hang out, Taylor would sometimes get calls from Brook. Taylor would answer the call, as this was not possible around Jes. Taylor was always happy after getting off the phone with Brook.

I thought Jes was becoming suspicious that Taylor might be seeing someone else. At a fundraiser in Malibu, Taylor got a few cell phone calls. Taylor did not answer the calls, but Jes was furious. Jes kept grilling Taylor, "Who keeps calling you? Why would someone call you now?" It was embarrassing for everyone at the table. These kinds of jealous outbursts became common.

I was at the mansion shortly sometime in late September. Taylor was helping me prepare my lines for a TV movie audition. We were in Taylor's room when Jes stormed in and said to Taylor, "I can't believe you want to get back with Brook. Why would you want to be with someone so beneath you and me? I never should have married you." Taylor yelled back, "Because we get along and care about each other." Jes' ears turned red. They get that color when Jes is upset. Jes yelled back, "You're mine. You can't leave me." Jes threw a vase against a wall and left.

After that episode, I grew concerned about Taylor's safety. I told Taylor not to stay mar-

My name is Dr. Pat Choi. I am 45 years old and have been a forensic scientist for about 15 years. I got my Ph.D. in psychology from UCLA and later got a Certification in Advanced Forensics from the University of Northern California. I am currently a lead technician at Southern California Forensic Solutions, a private forensics firm. In my career as a forensic scientist, I have examined countless bodies and medical reports. I examined Dr. Stone's lab report and reached the following conclusions.

I agree fully with Dr. Stone's finding that Taylor died within 20 minutes by a lethal dose of carbon monoxide emitted from the Aston Martin. Unlike Dr. Stone, however, I believe that Taylor died sometime between 3 and 4 a.m. on Saturday. To determine the time of death, I examined the report's analysis of Taylor's stomach and digestive system.

Through years of experimentation, scientists know at what rates certain foods move through the gastrointestinal tract. Digestion ceases with death. It is known that Taylor ingested several chocolate-covered strawberries at 12:30 a.m. Chocolate strawberries are a medium-density food.

Inside of Taylor's stomach, there were fully broken-down strawberries. Taylor's small intestine also included a small amount of digested strawberries. At the earliest, a medium-density food will leave the stomach and enter the small intestine at 2.5 hours after consumption. Therefore, at the earliest, Taylor died about 3 a.m.

Several factors lead me to believe that Taylor's time of death was later than 3 a.m. There was alcohol in Taylor's blood, and alcohol slows the digestion process. Stress can do the same. It is my expert opinion that looking at digestion provides the most precise time of death. While measuring potassium accumulation in the eye involves newer technology, it has not been proven any more accurate than traditional methods of determining the time of death.

I also scrutinized the medical examiner's analysis of Taylor's blood alcohol content (BAC). Taylor's blood had a BAC of .15 percent. Sometimes, blood alcohol levels can increase after death. This is due to microbial ethanol production in the blood's glucose. The medical examiner's analysis of the vitreous humor, however, revealed no ethanol. Since there was no ethanol in other body fluids, there was no ethanol in the blood on account of internal decay. Thus, Taylor's BAC of .15 was entirely the result of alcohol ingested before death and reflects Taylor's level of intoxication at death.

The evidence suggests that Taylor committed suicide on October 13. The strongest evidence is Taylor's high level of intoxication. Despite popular misconceptions, a BAC of .15 is consistent with a night of heavy drinking. Numerous studies have proven the consumption of alcohol leads directly to depression. This is because alcohol lowers serotonin and norepinephrine levels in the brain. These chemicals relate to a person's happiness and sense of satisfaction.

It is also well-established that depressed people are more likely to commit suicide when under the influence of alcohol. Alcohol is a depressant, so it leaves an emotionally unstable person feeling particularly unhappy. Large amounts of alcohol also lead to risky

My name is Jes Markson. I live at 2349 Chandler Drive in Hollywood Hills. I am a producer, a screenwriter, and sometimes a director. My credits include many hit TV shows such as *Detroit Doctors*, *The Sparkling Badge*, and most recently *Newport Beach*. I started off acting at a young age on the wholesome comedy *Family Connections*. As I got older, I moved into directing and producing. I am now 40 years old.

I met Taylor by chance in Bill's Coffee in Santa Monica. I had spent the whole day in casting calls trying to find the lead in my new show, but no one fit the part. After talking with Taylor for a minute, I knew who to put in the lead role. We started to see each other romantically soon after. The relationship developed rapidly, and Taylor and I got married within a few months. I had never fallen in love like that before.

After the show became a hit, Taylor became depressed. Many new stars have trouble adjusting to fame. For Taylor, it was a difficult transition. Even though Taylor's career was successful, Taylor would often complain that being a star did not bring happiness. In early September, Taylor said, "Everything in my life has gotten so difficult lately. Sometimes I think it might be better if I just gave it all up." Comments like that became more frequent in September and October. I recommended Taylor see a psychologist, and Taylor thought that was a good idea.

Our marriage had some rough patches, and we would quarrel sometimes, but nothing that most couples do not do. Sometimes I would lose my cool, but it was only because I wanted what was best for Taylor. In Hollywood, you have to make smart decisions, and Taylor was not doing that. Things never got violent. I would never hurt anyone, let alone my spouse. Eventually our marriage cooled down as we were both busy with our own careers.

The night of October 12, Taylor wanted to go out, but I did not. I just did not feel like schmoozing, and Taylor was in an unpleasant mood. I asked Taylor not to go, but Taylor insisted. After Tobie came by to pick up Taylor, I said some things that were mean. I was pretty angry so I do not remember exactly what was said.

After Tobie and Taylor left at 10 p.m., I invited Alex and Stevie over to the house. Alex had just gotten home, and Stevie lives one house down. We had a few beers. Stevie wanted to play pool, so we went to the game room and shot a couple rounds of eight ball.

It was a pretty low key Friday, but I was supposed to have an important fondue lunch meeting the next day. Around midnight, Alex and Stevie decided to go home. I was tired and was in bed by 12:30 a.m. I immediately fell asleep and did not wake up until the next morning.

At 11 a.m. the next morning, I woke up to the sound of the television in my bedroom. It had been turned on all night. The noises that Alex heard the night before must have come from the television. The bedroom window was cracked open that night, and the sound from the TV could have been mistaken as something else. I don't think any other windows were open that night.

behavior. One such risky behavior is suicide. More suicides are attempted and more are successful when a person is under the influence of alcohol. Accidents are also more likely to occur when someone is intoxicated. It is possible that Taylor inadvertently passed out due to the alcohol while the car was running.

I interviewed several witnesses familiar with Taylor, including Jes, Brook, and Stevie. I discovered Taylor exhibited other suicidal behavior besides increasing depression. Suicidal people often make statements to the effect that "life is not worth living" or "my family would be better off without me." Taylor was heard to have made statements like these.

Suicides often follow a "precipitating event." Common precipitating events are death of family members or loss of a job. In this case, Taylor had several possible "precipitating events": Taylor had begun a career change, fought with the spouse, and discovered a possible love-interest was dating someone else. When combined, these events could lead a depressed person to attempt suicide. Explosions of rage are another sign of impending suicide. Yelling at someone for no reason at a social engagement is the kind of impulsive behavior often exhibited by the suicidal.

Past suicide attempts also signal that someone may attempt suicide. Of all people who successfully commit suicide, almost 50 percent have attempted suicide in the past.

There is no way to know for certain what kind of object inflicted the bruise on Taylor's head. The foremost expert of forensic science, Steve Rochonstein, said in his seminal book *Crime Physiology* that "analyzing bruises is more art than science." People differ in how much they bruise, how fast they bruise, and what their bruises look like.

There are alternative explanations of how Taylor got a bruise on the forehead. The long narrow bruise could have come from the steering wheel of Taylor's Aston Martin. People dying of carbon-monoxide poisoning often have body convulsions, and it is possible that Taylor's head came in contact with the wheel during such an episode. The steering wheel was large loop, but the wheel itself was thin, less than 1 inch in diameter. With such a narrow width, it is my opinion that the wheel could have inflicted the bruise on Taylor's head. Taylor was also drunk and could have suffered a blow to the head elsewhere prior to death.

My name is Stevie Ricco, and I am 37 years old. For the last 18 years, I have worked in the entertainment industry in various capacities. I started out as a production assistant. Later, I did some location scouting and have also done some screenwriting. Last year, I was one of five assistant producers on *Newport Beach*.

Jes is kind of like my mentor, I guess. We have worked together a lot over the years, and I get almost all my jobs because Jes recommends me. We get along really well. I know how Jes likes a project to be run, and Jes trusts me to make sure there are no mistakes. Jes is truly a genius. Jes has produced a string of the most successful TV series over the past couple decades. Jes' contribution to television, and popular culture generally, has been underappreciated.

Jes is not a violent or vindictive person. When we wrote some of the bloody scenes for *Detroit Doctors*, Jes would get squeamish, and all the writers found that highly amusing. Jes also made a point of not coming on the set when violent scenes were filmed unless it was absolutely necessary. Given how uncomfortable Jes was around bloodshed, I do not believe that Jes could ever kill someone.

Some people believe Jes is mean. This is inaccurate. Jes just demands a lot from co-workers. Jes puts in a lot of hours at work and expects others to do the same. Anything with the name "Jes Markson" on it, Jes expects to be the best. While Jes can be demanding, Jes is one of the nicest people I know.

As an assistant producer on *Newport Beach*, I was in charge of alerting actors when their scenes were about to be filmed. Sometime in summer, I remember when I went to Taylor's trailer to give notice that there were only five minutes before shooting began on the big season finale. Taylor was not in costume. I asked what was wrong. Taylor sighed and said, "Being famous is just not what I expected. The people are so fake, and there is no one I can relate to. I thought this would make me happy, but I have never been more miserable." I tried to comfort Taylor, but it did not seem to work. Taylor told me, "I'm not sure life is worth living like this." I had seen Taylor looking depressed on the set, but this sounded especially bad.

On October 12 at about 10:15 p.m., I was invited to Jes' mansion. I was not planning on going out that night because I had gone to a movie premier the night before and the after-party dragged into the early morning. I decided to go over for a little while. I arrived at Jes' within 10 minutes as it was just up the hill. I did not intend to stay long. I just wanted to play a little pool. Another one of Jes' friends, Alex, was also there. We all drank some beers and played pool.

Jes and I talked a bit about *Newport Beach* and how production was going on the new season. Jes may have made a sarcastic comment about Taylor's leaving the show. That's just Jes' dry sense of humor. Jes was only concerned about Taylor's career. It is risky to leave a popular show. Many promising acting careers have been ruined when TV actors made the leap to movies too soon.

WITNESS STATEMENTS—Defense Witness: Brook DeMartini

My name is Brook DeMartini. I am 30 years old and have been acting in Los Angeles for a little over a year. I am just starting to be recognized in public for my recurring role as Professor Leone on the soap opera *The Day After Yesterday*. I used to date Taylor. We moved to Los Angeles together from Denver to try to become movie stars.

About two years ago in Colorado, Taylor attempted suicide. Taylor had been feeling restless in Denver and felt like the city had nothing to offer. Taylor wanted to become a star, but was stuck working in a restaurant. Each week, Taylor would get more and more depressed. Taylor would often make statements like, "Life is just so hopeless. Why go through so much pain?" I would try to cheer Taylor up, but it never seemed to work. I think Taylor was just an inherently depressed person.

When I came home from a jog that day, I found Taylor lying on the couch. Taylor was unconscious, but vomiting a chunky white liquid. I noticed an empty bottle of Vicodin on the side table near the couch. It had been prescribed to Taylor after a nasty ski accident the year before. The bottle had been nearly full, and I knew that consuming that many opiates could be fatal. I called an ambulance, and fortunately the medics were able to pump Taylor's stomach in time. After the suicide attempt, both Taylor and I agreed that a change of scenery would be beneficial for Taylor. We moved to Los Angeles so that we could both pursue acting careers.

Finding acting jobs was more difficult than we thought. When neither of us got much work, it strained our relationship, and we decided to take a break. Shortly after we broke up, Taylor landed the starring role on *Newport Beach* and became famous. At first, I wanted to get back together, but then Taylor met Jes and got married. After Taylor was married, I moved on with my life and focused on my acting career. There was no point in trying to love someone who was married to someone else.

Although we did not speak for a while, we resumed talking sometime in the spring. I saw Taylor on several occasions, one time with Taylor's friend Tobie. Taylor often complained about being alone and depressed. This did not surprise me because of Taylor's past issues with depression. I wanted to make Taylor feel better. We had gone through so much together.

Taylor complained that Jes was overprotective and mean. Jes did not allow Taylor to talk with me. Whenever Taylor and I met, it always had to be secret. Toward the end of summer, Taylor mentioned that Jes was getting "scary" and "kinda violent." It did not seem like a healthy relationship, and Jes sounded like a nasty individual. I don't know why Taylor would marry someone who was not compassionate. I was concerned about Taylor, but did not think it was my place to get involved with their marriage.

Taylor also mentioned a couple times that we should get back together. I said I did not think that was the best idea at the time. My career was beginning to take off, and I did not have time to be in an all-consuming relationship. Also, I had an interest in seeing someone new.

At midnight, Alex went to bed. I decided to leave as well. I was tired and had to be up early the next day. As I walked down the hill to my condo, I remember hearing the wind howling. It would have been hard to hear anything that night. I went to bed around 1:30 a.m. The next afternoon, I received a call from Alex saying that Taylor had died. I was still in shock when Detective Green called me later that afternoon. I told Detective Green that I had played pool with Taylor and Alex and walked home around 12:00 a.m.